

Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before March 3, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Judy Boley, Federal Communications Commission, Room 234, 1919 M St., NW, Washington, DC 20554 or via internet to [jboley@fcc.gov](mailto:jboley@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection(s), contact Judy Boley at 202-418-0214 or via internet at [jboley@fcc.gov](mailto:jboley@fcc.gov).

**SUPPLEMENTARY INFORMATION:**

*OMB Control No.:* 3060-0639.

*Title:* Implementation of Section 309(j) of the Communications Act, Competitive Bidding, PP Docket Number 93-253, First Report and Order. *Form No.:* N/A.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Businesses or other for profit.

*Number of Respondents:* 400.

*Estimated Time Per Response:* 1 hour.

*Frequency of Response:* On occasion reporting requirement.

*Cost to Respondents:* N/A.

*Total Annual Burden:* 400 hours.

*Needs and Uses:* Section 3002 of the Balanced Budget Act of 1997 amended Section 309(j), to, in effect, reduce the situations in which the use of random selection is appropriate. While the Commission proposes to reduce the number of respondents, it does not reduce the burden hours required to complete an individual information collection. The Commission seeks comment on this proposal and other methods by which the burden on respondents may be reduced.

The Commission will use the information to determine whether the public interest would be served by

granting a transfer of control or an assignment of a license awarded through lottery procedures. The foregoing estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the burden estimates or any other aspect of the collection of information.

Federal Communications Commission.

**William F. Caton,**  
*Acting Secretary.*

[FR Doc. 97-34149 Filed 12-31-97; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 97-208; FCC 97-418]

### Application of BellSouth Corporation, et al. Pursuant to Section 271 of the Communications Act of 1934, as Amended, to Provide In-Region InterLATA Services in South Carolina

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Memorandum Opinion and Order (Order) in CC Docket No. 97-208 concludes that BellSouth Corporation, *et al.* (BellSouth) has not satisfied the requirements of section 271(c)(1) of the Communications Act of 1934, as amended (Act). The Commission therefore denies, pursuant to section 271(d)(3), BellSouth's application to provide in-region interLATA services in South Carolina. The Order declines to grant BellSouth authority to provide in-region interLATA services in South Carolina.

**EFFECTIVE DATE:** December 24, 1997.

**FOR FURTHER INFORMATION CONTACT:** Michael Pryor, Attorney, Policy and Program Planning Division, Common Carrier Bureau, (202) 418-1580.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order adopted December 24, 1997, and released December 24, 1997. The full text of this Order is available for inspection and copying during normal business hours in the FCC Reference Center, 1919 M St., N.W., Room 239, Washington, D.C. The complete text also may be obtained through the World Wide Web, at <http://www.fcc.gov/Bureaus/Common Carrier/Orders/fcc97-228.wp>, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th St., N.W., Washington, D.C. 20036.

## Synopsis Of Order

1. On September 30, 1997, BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. (collectively, BellSouth) filed an application for authorization under section 271 of the Act, to provide in-region interLATA services in the State of South Carolina. In this Order, the Commission concludes that BellSouth may not obtain authorization to provide in-region, interLATA services in South Carolina pursuant to section 271(c)(1)(B) at this time because it has failed to meet its burden of demonstrating that it has received no qualifying requests for access and interconnection that, if implemented, would satisfy the requirements of section 271(c)(1)(A). The Commission further concludes that BellSouth has not yet demonstrated that it has fully implemented the competitive checklist in section 271(c)(2)(B). In particular, the Commission finds that BellSouth has not met its burden of showing that it meets the competitive checklist with respect to: (1) access to its operations support systems; (2) access to network elements; and (3) resale. The Commission concludes that BellSouth complies with the requirement to provide access to 911 and E911 services, and that BellSouth's inbound telemarketing script is consistent with the Act. The Commission therefore denies, pursuant to section 271(d)(3), BellSouth's application to provide in-region interLATA services in South Carolina.

2. *Compliance with Section 271(c)(1)(B).* The Commission concludes that BellSouth may not obtain authorization to provide in-region, interLATA services in South Carolina pursuant to section 271(c)(1)(B) at this time because it has failed to meet its burden of demonstrating that it has received no qualifying requests for access and interconnection that, if implemented, would satisfy the requirements of section 271(c)(1)(A). The Commission, as an initial matter, clarifies its standard for evaluating qualifying requests and the role of reasonable steps in its evaluation.

3. The Commission further concludes that MCI's provision of telephone exchange service on a test basis, at no charge, to the homes of nineteen MCI employees, does not qualify MCI as a competing provider under section 271(c)(1)(A), and therefore BellSouth has not satisfied the requirements of section 271(c)(1)(A).

4. *Compliance with the Competitive Checklist in Section 271(c)(2)(B).* For the

reasons set forth below, the Commission concludes that BellSouth has not yet demonstrated by a preponderance of the evidence that it has fully implemented the competitive checklist. As a preliminary matter, the Commission concludes that a BOC "generally offers" a checklist item if it makes the checklist item available as both a legal and a practical matter.

5. With respect to the first checklist item addressed, the Commission concludes, consistent with the Department of Justice's finding, that BellSouth has failed to demonstrate by a preponderance of the evidence that it provides nondiscriminatory access to all of the operations support systems (OSS) functions provided to competing carriers, as required by the competitive checklist. First, the Commission describes BellSouth's OSS. Second, the Commission outlines its general approach to analyzing the adequacy of a BOC's OSS. Third, the Commission analyzes the evidence concerning competing carriers' access to OSS functions for resale services and unbundled network elements. Based on the evidence in the record, the Commission concludes that BellSouth has not demonstrated that the access to certain OSS functions that it provides to competing carriers for pre-ordering, ordering, and provisioning of resale services and pre-ordering of unbundled network elements is equivalent to the access it provides to itself. Finally, in order to provide additional guidance, the Commission highlights a number of other OSS-related issues that are of concern to the Commission.

6. The next checklist item the Commission addresses is access to unbundled network elements. The Commission concludes that BellSouth does not meet this checklist item because it has not demonstrated by a preponderance of the evidence that it can make available, as a legal and practical matter, access to unbundled network elements in a manner that allows competing carriers to recombine them. The Commission concludes that the statement of generally available terms (SGAT) is deficient because it fails to include sufficiently detailed terms and conditions for access to network elements for the purposes of recombining them. The Commission finds that the SGAT lacks crucial details such as which elements will be separated and which will be provided in combination, and how and at what cost. The Commission concludes that, in particular, BellSouth has failed to demonstrate that it can provide access to such elements through the one method that it has identified for such

access—collocation. The Commission finds that BellSouth fails to demonstrate that it offers or can timely provide collocation for the purposes of recombining unbundled network elements. The Commission finds it significant that BellSouth's SGAT does not commit to any provisioning intervals for implementing collocation requests. The Commission further finds that the record indicates that, in practice, it is taking BellSouth a long time to implement collocation requests. The Commission further finds that BellSouth has made no showing that there has been actual commercial usage or testing of collocation anywhere in its region for the purpose of recombining UNEs. Thus, the Commission concludes, BellSouth has not demonstrated that it can timely deliver unbundled network elements to collocation spaces for combining, or that the resulting provision of these combined elements will be at an acceptable level of quality.

7. The Commission also addresses the checklist item that requires incumbent LECs to offer for resale at wholesale rates any telecommunications service that the carrier provides at retail, and not to prohibit, or to impose unreasonable or discriminatory conditions or limitations on, the resale of such telecommunications service. The Commission concludes that BellSouth does not meet this checklist item because it refuses to offer contract service arrangements, which are contractual agreements made between a carrier and a specific, typically high-volume, customer, at a wholesale discount. The Commission concludes that BellSouth's argument that CSAs should not be further discounted because they have already been discounted from the tariff rate has been previously considered and rejected by the Commission. The Commission further finds that failure to offer CSAs to resellers at a discount impedes competition for large-volume customers and thus impairs use of resale as a vehicle for competitors to enter BellSouth's market.

8. The Commission also addresses the part of the checklist item that requires BellSouth to provide nondiscriminatory access to 911 and E911 services. The Commission concludes that BellSouth has made a *prima facie* case that it offers nondiscriminatory access to 911 and E911 services. Because no commenter has produced evidence to demonstrate that BellSouth is not currently offering nondiscriminatory access to 911 and E911 services, the Commission concludes that BellSouth satisfies this part of the checklist item.

9. *Compliance with Section 272.* The Commission concludes that BellSouth's inbound telemarketing script is consistent with the Act. The Commission concludes that a BOC, during an inbound telephone call, may recommend its own long distance affiliate, as long as it contemporaneously states that other carriers also provide long distance service and offers to read a list of all available interexchange carriers in random order.

10. *Public Interest.* Based on the Commission's conclusions that BellSouth has not fully implemented the competitive checklist, the Commission need not and does not address the issue of whether BellSouth has demonstrated that the authorization it seeks is consistent with the public interest, convenience, and necessity, as required by section 271(d)(3)(C).

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

[FR Doc. 97-34144 Filed 12-31-97; 8:45 am]

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## FEDERAL ELECTION COMMISSION

### Sunshine Act Meeting

**AGENCY:** Federal Election Commission.

**DATE & TIME:** Tuesday, January 6, 1998 at 10:00 a.m.

**PLACE:** 999 E Street, N.W., Washington, D.C.

**STATUS:** This meeting will be closed to the public.

#### ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.

Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

**DATE & TIME:** Thursday, January 8, 1998 at 10:00 a.m.

**PLACE:** 999 E Street, N.W., Washington, D.C. (ninth Floor).

**STATUS:** This meeting will be open to the public.

#### ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Audit: San Diego Host Committee/Sail to Victory '96 (continued from meeting of December 4, 1997).

Audit: Committee on Arrangements for the 1996 Republican National